

October 15, 2002

The Honorable Christine Todd Whitman
Administrator, Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Dear Administrator Whitman:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) to express my appreciation for your efforts and those of your staff in completing the Memorandum of Understanding (MOU) between NRC and EPA concerning "Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites." I have just recently signed the MOU and a signed copy was transmitted to your staff.

Our respective staffs have struggled to fulfill the mandate of the House Committee on Appropriations which directed that we clarify the circumstances for EPA's involvement at NRC sites when requested by the NRC. Although EPA could not agree to defer as comprehensively as the Committee requested, EPA will defer its exercise of authority under the Comprehensive Environmental Response, Compensation and Liability Act (Superfund) for the majority of facilities decommissioned under NRC authority. The MOU thus accomplishes, in part, the goal that the Committee set out for us.

Certain complex sites decommissioning under NRC authority still face the possibility of dual jurisdiction. As a result, we believe that it is appropriate that NRC continue its efforts to seek legislation that would eliminate this potential and the resulting costs. We would be happy to work with you and your staff in pursuing such legislation.

Sincerely,

/RA/

Richard A. Meserve